

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Horse Racing

First Time Starters

Proposed Amendment to N.J.A.C. 13:70-6.54

Authorized by: New Jersey Racing Commission, Frank Zanzuccki, Executive Director

Authority: N.J.S.A. 5:5-30

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2004-379

Submit written comments by December 3, 2004 to:

Frank Zanzuccki, Executive Director
New Jersey Racing Commission
P.O. Box 088, 140 East Front Street
Trenton, New Jersey 08625-0088

The agency proposal follows:

Summary

The Racing Commission is interested in obtaining public comment on the proposed rule amendment concerning thoroughbred first time starters. The rule as it presently exists states that no horse starting for the first time will be allowed to enter without a published workout. A published workout is the time it takes a thoroughbred race horse to complete a specified distance, as recorded by the clocker, which is available to the public through publication in the Racing Form or listed as additional workouts in the program. The proposed amendment would require a horse starting for the first time to show at least two published workouts within 45 days of racing. This

change would provide more information to the public and give a better indication of the horse's fitness and ability.

Social Impact

The proposed amendment may have a positive social impact on the public in that patrons would be given additional information on first time starters which may improve their ability to handicap the race and increase their chance of winning.

Economic Impact

The proposed amendment has no direct economic impact on the general public. However, as noted above in the Social Impact statement, it will result in information being available to the public which is positive as it may increase their ability to select a winning horse. The proposed amendment may have a limited negative monetary impact on the owners/trainers since a horse would, in preparation for the published workouts, require more training time prior to racing.

Federal Standards Statement

A Federal standards analysis is not required because the rules of racing are dictated by statute, N.J.S.A. 5:5-22 et seq., and the proposed amendment is not subject to any Federal requirements or standards.

Job Impact

The proposed amendment will not have an effect on the work force in the State. No jobs will be generated or lost as a result of the proposed amendment.

Agriculture Impact

The proposed amendment will not have an impact on the agriculture industry in the State.

Regulatory Flexibility Analysis

The proposed amendment imposes no new reporting, recordkeeping, or other compliance requirement on racetracks which are not small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq. Racetracks employ more than 100 people and are thus not considered small businesses under the Act. However, although the proposed amendment would impose no reporting or recordkeeping requirements, the proposed amendment does impose compliance requirements on trainers, who may be considered small businesses. The proposed amendment requires owners and trainers to conduct and post two published workouts within 45 days of races for first time starters. Because this requirement must be imposed uniformly on all first time starters to ensure fairness, no different compliance requirement can be provided for small businesses. The proposed amendment will not require the retention of outside professional services by those affected. The Daily Racing Form and racing department would continue to provide workout information to the participants and general public.

Smart Growth Impact

The proposed amendment will not have an impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan as defined under Executive Order No. 4 (2002).

Full text of the proposal follows (additions indicated in boldface thus, deletions indicated in brackets [thus]):

13:70-6.54 First time starters

(a) No first time starters will be allowed to enter without [a] two published workouts within 45 days of racing.

(b) It shall be the trainers responsibility to see that all first time starters in their care have [a] published workouts.